



REZONING & VARIANCE

July 15, 2004

FILE: RZ 04-07-02 R-2 TO S-1
VAR 04-07-01 SEC. 90-98
SETBACK REQUIREMENTS

Property Information

Tax ID	Tax Map 073C Parcel 055
Location/address	136 North Belair Road
Parcel Size	7.44 acres
Current Zoning	R-2 (single-family residential)
Request (Zoning)	S-1 (special district) for a place of worship
Request (Variance)	Variance from Section 90-98 (<i>Lot and Structure Requirements</i>) to allow for building addition
Proposed Use	Church (existing)
Commission District	District 3 (Ford)
Recommendation	Approval

Summary and Recommendation

Christ's Sanctified Holy Church seeks rezoning of 7.44 acres located at 136 North Belair Road from R-2 to S-1 for their existing church. The request for zoning would bring the site into zoning compliance, as the property is currently zoned for single-family residential use and the church is a non-conforming use in this zoning district. The petitioner also seeks a variance from **Section 90-98 – lot and structure requirements** to allow construction of a building addition within the required front yard setback.

In terms of the request for rezoning, the church is an existing use and complies with the future land use policy. The S-1 district would be consistent with the prevailing zoning pattern for churches adjacent to residential areas.

Regarding the variance request, the setback requirement for an arterial street is 125 feet from centerline of street. The required setback requirement was changed when North Belair Road became an arterial street as part of the widening of the roadway from 2 to 5 lanes. The church was an existing use at that time and, like other land uses along Belair Road, was built in conformity with the setbacks for a collector street. Staff reviewed the setbacks for other buildings nearby this site and found that they ranged between 75 to 115 feet from centerline, with an overall average of 85 feet from centerline. The church is currently 102 feet from the center of the street. With an addition of approximately 10 feet the church would be within 92 feet of centerline, more than the average setback of nearby structures.

Interdepartmental review showed that the worship center is on a septic system, while the gym is on county sewer. The expansion must not disturb the current septic system.

Staff recommends approval of this request for rezoning to bring the site into zoning compliance and recommends that the front setback be reduced to 90 feet from centerline to allow for the expansion.



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Interdepartmental Review

Water and Sewer: A 16-inch water line is located on the east side of Belair Road and an 8-inch sewer line is directly behind the building. The project will not affect the existing water and sewer infrastructure in the area.

Construction and Maintenance: Changes to ingress and egress must be approved by Georgia DOT

Sheriff: Additional patrols will be necessary for crime prevention and traffic control

Health Department: The applicant must identify where the septic system is located. The gym is on county sewer, but the church is on septic. Expansion must not affect septic site.

Engineering: Site is in the Betty's Branch Drainage Basin. An on-site detention facility may be required. Site plans must be submitted and approved by the County Engineer.

Planning: Setbacks along North Belair Road lots range from 75 feet to 115 feet. Any future improvements to the parking and circulation areas will require coordination and review of existing access to North Belair Road.

Growth Management Plan

The Columbia County Growth Management Plan designates this property for Institutional use in recognition that the church already is located on the property. The adjacent properties are recommended for either Commercial or Planned Development Corridor. The request is consistent with the GMP.

Zoning and Development Regulations

Surrounding properties are zoned R-2 and P-1. Use of the S-1 district for a place of worship is an acceptable practice where adjacent to residential areas and is consistent with the land use and zoning pattern in the area.

The minimum building setback from an arterial street is 125 feet. However, North Belair was re-classified to an arterial street as part of the widening from 2 to 5 lanes, putting existing buildings into a non-conforming status. Neighboring buildings to the Church are between 75 and 85 feet from the centerline of North Belair, while the Church is about 100 feet from the centerline. The additions to the church appear to shorten the distance to the centerline of North Belair by 10 feet, making the church sit 90 feet from centerline. This distance is still more than surrounding properties.

Along arterial streets, no more than one point of access per 300 feet of road frontage is allowed. However, this lot has three driveways for its 308 feet of road frontage, one of which is shared. While there are no changes needed for this expansion, any future modifications to the parking area would need to be evaluated in terms of the number of access points to North Belair Road.



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Criteria for Evaluation of Rezoning Request

Criteria Point	Comment
Whether the zoning proposal will permit a use that is suitable in view of the zoning and development of adjacent and nearby property.	The request is consistent with the prevailing zoning and land use pattern.
Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.	The request should not adversely affect the nearby neighborhood.
Whether the zoning proposal is compatible with the purpose and intent of the GMP.	The request is consistent with the GMP
Whether there are substantial reasons why the property cannot or should not be used as currently zoned.	The use of these sites for single-family residential is limited due to the GMP
Whether the proposal could cause excessive or burdensome use of public facilities or services.	This will not place a burden on current water and sewer systems.
Proposal is supported by new or changing conditions not anticipated by the GMP or reflected in existing zoning on the property or surrounding properties.	Use of the property for institutional would be consistent with the adjoining properties.
Proposal reflects a reasonable balance between the promotion of Health, Safety, and Welfare against the right to unrestricted use of property.	The request meets this balance test.



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Sec. 90-179 - Appeals and variances, of the zoning ordinance stipulates the following

Variances from the terms of this chapter may be recommended by the planning commission in such individual hardship cases of practical difficulty or unnecessary hardship upon a finding by the planning commission based on the following:

- (1) There are special circumstances or conditions unique to the property that do not generally apply in the district. ***The property was subject to a GDOT road improvement project in the early 1990s that affected both the setback from the center of the road in addition to the reclassification of the street to an arterial status.***
- (2) The special circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land. ***The property is large and future expansions involving new structures should adhere to the required setbacks. The proposed addition to the existing building is minor and will align with other buildings along this corridor.***
- (3) Topographical or other conditions peculiar and particular to the site are such that strict adherence to the requirements of this chapter would cause the owner unnecessary hardship, and would not carry out the intent of this chapter, and that there is no feasible alternative to remedy the situation. ***There are no topographic conditions; however, the site is in a corridor that has similar setback situations due to the widening of Belair Road.***
- (4) If granted, the variance shall be in harmony with the general purposes and intent of this chapter, and shall not be injurious to the neighborhood or detrimental to the public welfare. ***The reduced setback would allow the building addition and would be consistent with the other structures along Belair Road.***
- (5) In reviewing an application for a variance, the burden of showing that the variance should be recommended and/or granted shall be upon the person applying for the variance.
- (6) When recommending a variance, the planning commission, or the board of commissioners, when granting a variance, may establish reasonable conditions concerning the use of such property, and may establish an expiration date for such variance.
- (7) Any variance recommended and/or authorized is to be set forth in writing in the minutes of the planning commission and the board of commissioners, as the case may be, with the reasons for which the departure was justified, and the conditions under which the variance was granted.